IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO.9631 OF 2000
DECIDED ON : 05.12.2007

Ram Krishan, Retired Kanungo from office of The Balachaur Tehsil, District Nawanshahar now resident of V & P.O. Rattewal Tehsil and District Nawanshahr

Versus

1. State of Punjab through Principal Secretary, Department of Revenue, Punjab, Chandigarh.

2. Accountant General (A&E) Punjab, Chandigarh.

3. Deputy Commissioner, Nawanshahar.

4. Sub Divisional Magistrate, Office Balachaur, District Nawanshahar.

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CORAM: HON'BLE MR.JUSTICE SHAM SUNDER.

Present: Mrs.G.K.Hundal, Advocate for the petitioner.

Mr.S.S.Sahu, AAG, Punjab
for the respondents.

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JUDGMENT:

The petitioner retired from the post of Kanungo, from Tehsil Office, Balachaur on 31.10.1998 afternoon. At the time of his retirement, he was the holder of General Provident Fund Account No.PB/DC/NSR/MIN/73. It was stated that the petitioner was paid the retiral benefits, including pension, but the amount of General Provident Fund standing in his account, was not paid to him, by the respondents, for the reasons best known to them. The amount of Rs.1,33,163/-, standing in the General Provident Fund of the petitioner, was paid to him on 15.05.2000 i.e. after the delay of about 1½ years from the date of his retirement. He made representation to the respondents, from time to time, for making payment of the General Provident Fund, but to no avail. The petitioner has claimed interest @ 24% per annum, on the amount

of Rs.1,33,163/-, paid to him after the delay of about 1½ years from the date of his retirement, on the ground that this amount was improperly and illegally withheld by the respondents. Accordingly the instant petition, for issuing a writ of mandamus directing the respondents, to award interest, at the aforesaid rate, on the delayed payment, was filed.

2. The respondents put in appearance, and filed written statement, wherein, it was admitted that the petitioner retired as Kanungo from Tehsil Office Balachaur, District Nawanshahar, on 31.10.1998. It was also admitted that he was the holder of General Provident Fund Account No.PB/DC/NSR/Min/73. It was also admitted that a sum of Rs.1,33,163/- was paid to the petitioner vide orders dated 15.05.2000 (annexure P2). It was further stated that Nawanshahar District came into existence w.e.f. 07.11.1995, as per the policy decision of the State of Punjab. Prior to that, Tehsil Balachaur fell in District Hoshiarpur till 06.11.1995. The petitioner was an employee working in District Hoshiarpur, and his general Provident Fund account was being maintained, in the office of Deputy Commissioner, Hoshiarpur. It was further stated that, on the formation of Nawanshahar, as a new district and, the inclusion of Tehsil Balachaur therein, the Deputy Commissioner, Hoshiarpur was required to transfer the accounts of General Provident fund, in respect of the employees of Tehsil Balachaur, to the office of the Deputy Commissioner, Nawanshahar. The office of the Deputy Commissioner transferred the account of the petitioner vide letter dated 21.04.1999. The complete GPF deduction schedules were received in the office of Deputy Commissioner, Nawanshaher, on 29.03.2000 and thereafter the payment of Rs.1,33,163/- on account of GPF was made on 15.05.2000, to the petitioner. It was further stated that due to this reason, the delay occurred. The remaining

averments were denied being wrong.

3. I have heard counsel for the parties and have gone through the record of the case carefully.

4. There is, no dispute, between the parties that the petitioner was working as a Kanungo, at Balachaur, and he retired on attaining the age of superannuation on 31.10.1998 therefrom. It was also admitted by the respondents, that the payment of an amount of Rs.1,33,163/-, which was lying in the GPF account of the petitioner, was made to him vide order dated 15.05.2000 (Annexure P2). There was, thus, delay of about 1½ years, in making the payment of this amount, to the petitioner. No doubt, in the written statement, the stand taken up by the respondents, was to the effect that since the Deputy Commissioner, Hoshiarpur, in which district Tehsil, Balachaur earlier fell, and which lateron was included in District Nawanshahar on the formation of the same w.e.f. 06.11.1995, did not send the complete GPF amount of the petitioner till 29.03.2000, the delay occurred in making payment of the amount. In case the Deputy Commissioner, Hoshiarpur did not send the GPF account, alongwith the complete schedules of the petitioner immediately after his retirement to the Deputy Commissioner, Nawanshahar, effective steps could be taken for doing the needful. It appears that the respondents slept over the matters, for a period of about 1½ years. Mere creation of a new district and inclusion of Balachaur Tehsil, therein did not absolve the respondents, of their legal duty, to make payment of the GPF amount, to the petitioner, a retired employee of the Revenue Department promptly. They were required to make payment of the GPF amount to the petitioner, within a period of six months, from the date of his retirement i.e. 31.10.1998. The delay beyond six months after the retirement of the petitioner, in making the payment of the amount, referred to

above, to the petitioner, could not in any way be justified. There was intentional and wilful delay, on the part of the respondents in making payment of the abovesaid amount, to the petitioner. The stand taken up by the respondents in the written statement, for delay, appears to implausible. Had this amount been paid to the petitioner within a period of six months of his retirement, he would have certainly deposited the same in some bank or invested the same, in some business, thereby earning interest @ 9% per annum. Respondents No.1,3 & 4 are, thus, liable to pay interest @ 9% per annum, on the amount of Rs.1,33,163/- from 01.05.1999 to 15.05.2000 for illegally, and improperly retaining the same for about 1 year thereby depriving the petitioner of utilizing the same, in the best possible manner. The petition, thus, deserves to succeed.

5. For the reasons recorded hereinbefore, the writ petition is accepted with costs, to the extent, that respondents No.1, 3 and 4 are directed to pay interest @ 9% per annum, on the amount of Rs.1,33,163/- from 01.05.1999 to 15.05.2000 to the petitioner, within a period of six months, from the date of receipt of a certified copy of the Judgment.

December 05, 2007 **(Sham Sundar)**
mamta m **Judge**